

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISIDRO BENITEZ-CASTILLO, OSCAR  
RODRIGUEZ-RODRIGUEZ, FABIAN  
VALDOVINOS-PEREZ & DAVID  
LOZANO-ALVARADO,

Defendants.

CASE NO. CR14-5159 BHS

ORDER DENYING  
DEFENDANTS' MOTIONS FOR  
ACQUITTAL

This matter comes before the Court on Defendant Fabian Valdovinos-Perez's ("Valdovinos-Perez") motions for acquittal (Dkts. 298, 347), Defendant David Lozano-Alvarado's ("Lozano-Alvarado") motion for acquittal (Dkt. 303), and Defendant Isidro Benitez-Castillo's ("Benitez-Castillo") motion for acquittal (Dkt. 304). The Court has considered the pleadings filed in support of and in opposition to the motions and the remainder of the file and hereby denies the motions for the reasons stated herein.

## **I. PROCEDURAL HISTORY**

On April 15, 2015, the Government filed a third superseding indictment against Defendants Valdovinos-Perez, Lozano-Alvarado, Benitez-Castillo, and Oscar Rodriguez-Rodriguez (“Defendants”) charging Defendants with conspiracy to distribute controlled substances as well as individual counts of distribution and possession of controlled substances. Dkt. 221.

On May 5, 2015, the Court began a ten-day jury trial. Dkt. 273. On May 13, 2015, Valdovinos-Perez filed a motion for acquittal. Dkt. 298. On May 14, 2015, Lozano-Alvarado and Benitez-Castillo filed motions for acquittal. Dkts. 303, 304. On May 15, 2015, the Government responded to the motions. Dkt. 305. That same day, the Court, on the record, orally reserved ruling on the pending motions for acquittal until after the jury returned a verdict pursuant to Federal Rule of Criminal Procedure 29(b). Dkt. 308.

On May 19, 2015, the jury returned a verdict of guilty on all counts. Dkt. 317. On June 8, 2015, Lozano-Alvarado filed an additional memorandum in support of his motion. Dkt. 333. On June 15, 2015, the Government responded to Lozano-Alvarado’s motion. Dkt. 343. On June 19, 2015, Valdovinos-Perez filed another motion for acquittal. Dkt. 347. On July 6, 2015, the Government responded to Valdovinos-Perez’s second motion. Dkt. 351. On July 8, 2015, Lozano-Alvarado replied. Dkt. 352.

## **II. DISCUSSION**

“A judgment of acquittal is improper if, viewing the evidence in the light most favorable to the government, a rational trier of fact could have found the defendant guilty

beyond a reasonable doubt.” *United States v. Ching Tang Lo*, 447 F.3d 1212, 1221 (9th Cir. 2006) (quoting *United States v. Alston*, 974 F.2d 1206, 1210 (9th Cir. 1992)).

In this case, the Government introduced sufficient evidence, when viewed in the light most favorable to the Government, to establish Defendants’ guilt beyond a reasonable doubt. With regard to the conspiracies charged in Counts One and Two, the Government established the conspiracies and introduced the minimal amount of evidence to show Defendants’ participation in the relevant conspiracy. *United States v. Castaneda*, 16 F.3d 1504, 1510 (9th Cir. 1994) (“Once a conspiracy has been established, evidence of only a slight connection with it is sufficient to establish a defendant’s participation in it.”) (citing *United States v. Sanchez–Mata*, 925 F.2d 1166 (9th Cir. 1991)). With regard to the individual counts, the Government introduced sufficient evidence to establish each Defendant’s guilt. Therefore, the Court denies the motions for acquittal.

### III. ORDER

Therefore, it is hereby **ORDERED** that Valdovinos-Perez’s motions for acquittal (Dkts. 298, 347), Lozano-Alvarado’s motion for acquittal (Dkt. 303), and Benitez-Castillo’s motion for acquittal (Dkt. 304) are **DENIED**.

Dated this 29<sup>th</sup> day of July, 2015.



BENJAMIN H. SETTLE  
United States District Judge